

Subject: Re: [Fwd: Ben's Letter](NOV-Swift Creek)

Date: Thu, 28 Mar 2002 11:47:05 -0500

From: Mark Fry <Mark.Fry@ncmail.net>

Organization: NC Dept. of Environment and Natural Resources

To: Bill Hocutt <william.hocutt@ncmail.net>, JIM BARBER <JIM.BARBER@ncmail.net>

CC: JAMES COFFEY <JAMES.C.COFFEY@ncmail.net>, Ben Barnes <Ben.Barnes@ncmail.net>

OK Bill, I agree that we should include dates of each meeting instead of just the one. **Ben, please note and include this change also.** Thanks for your input Bill. Ben and I will wait now to hear from Jim Barber so Ben can get the final draft typed up for our review. Thanks again! - Mark

Bill Hocutt wrote:

> Mark:

I have spokento J. Coffey this (Thur. 3/28 A. M.) morning about the fact that Waldrop has been in THREE meetings with us (Waste Mgm't.) about the subject site. Continuing his thought of last week that we need to show a willingness to discuss the problems of this site with ReUse, perhaps we should mention all three rather than just one. He agreed, and so here are the dates and who attended. You, of course, don't need to list all of the attendees unless you feel it is a good idea, I just included them in case you wanted to know

Nov. 27, 2001 Waldrop and a Tom Snow met with Jim Barber and Hocutt. This resulted in Ben Barnes December 19, 2001 letter to Waldrop.

January 22, 2002 Attorney William White and Bob Waldrop met with Barber, Barnes and Hocutt.

March 13, 2002 William White and Bob Waldrop met with J. Barber, J. Coffey, B. Barnes, M. Fry, N. Scott and B. Hocutt.

Thanks, Mark. The letter looks fine to me. J. Barber has probably not had a chance to look at it since he has been in a meeting and will be until 11:30.

Hocutt

Mark S. Fry
Eastern District Supervisor
Solid Waste Section
N.C. Dept. of Environment & Natural Resources

Subject: ReUse Technology


Date: Thu, 01 May 2003 14:47:38 -0400

From: Ben Barnes <wooster@coastalnet.com>

To: Mark Poindexter <mark.poindexter@NCMail.net>, Mark Fry <MARK.FRY@ncmail.net>, BARBER JIM <JIM.BARBER@ncmail.net>

I reviewed the NOV sent to ReUse re the Swift Creek and it was sent over a year ago and we still not resolved the situation. There have been numerous correspondences between both parties so they have not completely ignored us but I think that they are definitely stalling. My last conversation with Bob Waldrop was that they were going to get monitoring data and closure documentation to us by the end of April. I have not received anything as of yesterday. In light of the lenght of time this process has taken and the plan to pursue actions against expired NOV's we need to decide the next step. NOI, CO, final warning etc. I am including the original NOV to refresh memories. If we need to meet next week and discuss, let me know.

Ben

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To: MARK POINDEXTER

Date: 5-2-03

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Pages (including cover): 9

From: MARK FRY

Subject: Re USE TECH

N.O.V. - DATED APRIL

4th - 2002

COMMENTS:

MARK, THE OTHER LETTER,
DATED AUGUST 19, 2002
APPEARS TO BE OUR
WRITTEN APPROVAL OF THEIR
PLAN AS REQUIRED BY THE
N.O.V. - CALL IF WE NEED
TO DISCUSS.

May 3, 2002

Mr. William A. White
Attorney at Law
Moore & Van Allen PLLC
Suite 4700
100 North Tryon Street
Charlotte, NC 28202-4003

Re: Swift Creek Coal Ash Structural Fill, Highway 301, Nash County

Dear Mr. White:

This letter is in response to your letter dated April 29, 2002, writing on behalf of Reuse Technology, Inc, (Reuse) requesting a meeting to discuss the action taken by the Solid Waste Section(Section) regarding the referenced site.

I have discussed this situation in some detail with Jim Coffey, Chief of the Section, and I agree with the action taken to date. It seems clear to me that Reuse did not construct the structural fill in accordance with the approved plans. In particular, the drainage area, which was to be buffered from coal ash structural fill in accordance with the plans submitted at the time of Section approval, is an area of concern. The potential for ground water contamination is a major concern in this area since ground water is presumed to be close to, if not at, the ground surface. The vertical separation requirement between ground water and coal ash (one-foot separation was increased to two-foot in the .1700 rules) is a critical factor in the protection of ground water quality. More importantly, the Section has information that the placement of coal ash close to or in the ground water has contaminated the ground water at one coal ash structural fill site. Reuse has provided no documentation regarding the placement of the pipe or the vertical separation of the coal ash and the ground water in this sensitive area.

The Section has reached what I consider a reasonable alternative to removal of the coal ash fill from the drainage area and I support this approach.

If you feel that a meeting is still necessary, please contact me at (919) 733-4996, extension 202 to schedule one.

Sincerely,

Dexter R. Matthews, Director